



राजपत्र, हिमाचल प्रदेश

हिमाचल प्रदेश राज्य शासन द्वारा प्रकाशित

शुक्रवार, 14 फरवरी, 2020 / 25 माघ, 1941

हिमाचल प्रदेश सरकार

LABOUR AND EMPLOYMENT DEPARTMENT

NOTIFICATION

Dated, 21st January, 2020

No. Shram(A) 6-7/2019 (Awards) L.C. Shimla.—In exercise of the powers vested under section 17 (1) of the Industrial Disputes Act, 1947, the Governor Himachal Pradesh is pleased to order the publication of awards of the following cases announced by the Presiding Officer,

Labour Court Shimla on the website of the Department of Labour & Employment Government of Himachal Pradesh:—

Sl. No	Ref. No.	Petitioner	Respondent	Date of Award/Order
1.	120/2016	Sh. Dhanjay Sharma	Bureau Chief Amar Ujala Ltd. & Anr.	01-11-19
2.	70/2017	President & Cashier Driver & Conductor Union.	A.P. Goyal University, Shimla	07-11-2019
3.	125/2019	Sh. Harjeet Singh	M/s Ban Labs (P) Ltd., 7 Anr.	26-11-19
4.	108/2019	Sh. Raj Kumar Chaudhary	M/s Dainik Bahaskar Chandigarh & Anr.	18-11-18
5.	45/2008	Gaberial Employees Union	M/s Federal Mogul Bearing India Ltd.	28-11-2019

By Order,
NISHA SINGH, IAS,
Addl. Chief Secretary (Lab. & Emp.).

Ref.120 of 2016

Sh. Dhanjay Sharma

V/s

Bureau Chief Amar Ujala Ltd. & Anr.

01-11-2019

Present: None for petitioner.
Sh. Rahul Singh, Ld. Csl. for respondent.

None has appeared on behalf of the petitioner during the last six hearings. So much so the petitioner has not even cross-examine the witness of the respondent on 25.06.2019 and 06.08.2019. Even today none is present. Seemingly, the petitioner is not interested to prosecute the lis and the dispute has apparently thus ceased to exist. The apathy shown by the petitioner in conducting the proceedings at least shows so. Consequently the reference is dismissed as not having been pressed at this stage. Ordered accordingly. Let a copy of this order be sent to the appropriate Government for publication in the official gazette.

Announced: 01.11.2019

Sd/-
(CHIRAG BHANU SINGH),
Presiding Judge,
H.P. Industrial Tribunal-cum-Labour Court, Shimla.

**IN THE COURT OF CHIRAG BHANU SINGH, PRESIDING JUDGE, H.P.
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, SHIMLA**

Reference No. 70 of 2017

Instituted on 3-5-2017

Decided on 7-11-2019

A.P. Goyal University Driver-Conductor Union Kawara, Tehsil and District Shimla, H.P. through Shri Rajesh Kumar S/o Kundan Singh, Village Chamrog, P.O. Tara Devi, Tehsil & District Shimla, H.P. being authorized person/President of the union to represent the aggrieved petitioners/claimants. *..Petitioner.*

VERSUS

A.P. Goyal university through its Vice Chancellor /Registrar, Office/Campus at Shoghi-Mehli By-Pass Road, Shimla, Himachal Pradesh. *..Respondent.*

Reference under section 10 of the Industrial Disputes Act

For petitioner : Shri Suresh Madhanian, Advocate.

For respondent : Shri Raj Negi, Advocate.

AWARD

The following reference was received for adjudication from the appropriate government:

“Whether termination of the services of Shri Rajesh Kumar & 11 others (List Enclosed), who were working as Drivers and Conductors w.e.f. 31.12.2016 by the Registrar, M/s A.P. Goyal University, Shoghi-Mehli, By-Pass Road, Shimla, H.P., without complying with the provisions of the Industrial Disputes Act, 1947 is legal and justified? If not, what amount of back-wages, seniority, past service benefits and compensation the above ex-workers are entitled to from the above management/ employer?”

2. The seminal facts necessary to be recapitulated are that the twelve employees mentioned in the demand notice who were working as Drivers and Conductors respectively with the respondent came to be terminated w.e.f. 31.12.2016. The petitioner union seeks their re-engagement with all consequential benefits.

3. A dispute has been raised through the union. The name, trade, date of joining and date of termination has been reflected in para 3 of the statement of claim. The photocopies of identity cards depicting the date of joining and salary, account pass books have also been placed on record as Annexure P-4/A to Annexure P-4/I. All the aforesaid workers are said to have uninterruptedly served the respondent, that too to the entire satisfaction of the respondent.

4. The workers were stated to have been deployed in the buses run by the University to transport the students from the campus to their hostels/residence. The workers were forced to perform their job without proper uniform. No arrangement/facility for shift staff was made available to them, the workers were forced to perform twelve hour duty. No staff room or rest

room was provided by the respondent to its Drivers and Conductors. No yearly increments were added to the salary of the workers. No over time was ever paid. With the passage of time the administrative staff of the respondent university continued changing and the work force was subjected to individual's wins and fancies of the changing staff.

5. Feeling aggrieved by the draconian treatment the petitioner had formed a union which was duly registered under the Indian Trade Union Act, 1926 on 16.2.2016. It is also alleged that on 25.2.2016, the respondent university had illegally terminated the services of five union members. After conciliation, three workmen had been re-engaged *vide* letter dated 4.3.2016 (Annexure P-5).

6. It is further the case of the petitioner union that despite repeated requests by the union, the respondent did not mend its ways towards the workforce. The union had also approached the Vice Chancellor *vide* letters dated 23.4.2016, 26.5.2016 and 4.6.2016 (Annexure P-6 to Annexure P-8), but to no avail. On 22.6.2016, the Registrar of the respondent university had agreed to implement the demands from next academic session *i.e.* August, 2016 whereupon the union had withdrawn its demand notice.

7. It is further the case of the petitioner union that thereupon the aforesaid workers had been terminated on 29.12.2016 without giving any notice or assigning any reasons. The termination is stated to be in violation of the statutory provisions of section 25-F of the Industrial Disputes Act, 1947 (hereinafter to be referred as the Act). It is also the case of the petitioner union that after illegal termination of the aforesaid workers the respondent university had reengaged seven workers. The action of the respondent thus is stated to be violative of not only sections 25-G and 25-H, but was also violative of the principles of audi alteram partem.

8. The termination of the aforesaid workers is also stated to be in violation of "last come first go". Many persons junior to the said workmen are stated to have been still retained. Some juniors who were re-engaged by the university are said to be one Shri Parmesh Kumar, Lokesh Kumar, Hitesh Kumar, Ghanshyam Kumar, Vijay Kumar, Gulshan and Vijay (All Conductors) and Sanjeev Kumar and Vinod Kumar (both Drivers).

9. The petitioner union thus seeks that all the aforesaid workers be ordered to be re-engaged alongwith all consequential benefits such as back-wages, seniority and regularization. The union also prays that the workmen be granted permanent status *i.e.* regularization by counting daily wage service as per the policy of the Government issued from time to time.

10. While contesting the claim, the respondent university has raised the preliminary objections *vis-a-vis* maintainability and the petitioner having no enforceable cause of action.

11. As per the respondent, the present claim is not maintainable for want of joinder of necessary parties. As per the respondent they had initially been engaged by the university to transport the students from university to campus, but, they had been engaged purely on temporary basis in the year 2016. The respondent university had suffered losses in the transport department and the management of the university had taken a conscious decision to sell five buses. A copy of the notice dated 9.9.2016 is annexed alongwith as Annexure R-1.

12. As per the respondent university it was consequent upon the closure of the transport department, the respondent had outsourced the transport department to one Mr. Amit Kaushik with an assurance that all the staff engaged in the transport department will remain on the pay roll of the contractor. A copy of the agreement is also annexed by the respondent university as Annexure R-2. As per the respondent, prior to the outsourcing the respondent university

had paid one month's advance salary as well as one month's additional salary to all the claimants. The university thus contends that they have neither terminated the services of the workmen nor retrenched them ever.

13. On merits, the respondent has reiterated the same submissions. It is thus prayed that the claim be dismissed being devoid of merits.

14. While filing rejoinder, the petitioner controverted the averments in the reply filed by the respondent and further reiterated those in the statement of claim. Besides that, the agreement entered between the respondent university and Mr. Amit Kaushik was stated to be fraudulent and in connivance with the said Amit Kaushik, just to frustrate the claim of the petitioner union whereas the entire transport department was being run by the university itself. It was further averred that the union was never made aware about the closure of the transport department as is clear from notice dated 9.9.2016 (Annexure R-1).

15. I notice that on 3.4.2018, the following issues came to be framed by my Learned Predecessor:

- (1) Whether the termination of the services of Shri Rajesh Kumar & 11 others, who were working as Drivers and Conductors by the respondent *w.e.f.* 31.12.2016 without complying with the provisions of the Industrial Disputes Act, 1947 is illegal and unjustified? ..OPP.
- (2) If Issue No.1 is proved in the affirmative, to what relief of service benefits the petitioner is entitled? ..OPR.
- (3) Whether the petition is not maintainable, as alleged? ..OPR.
- (4) Relief:

16. Having considered the pleadings, evidence and other attendant material placed on record, my findings on the issues framed are thus:—

Issue No.1 : Yes.

Issue No. 2 : Entitled to reinstatement with seniority and continuity but without back-wages.

Issue No. 3 : No.

Relief: : Reference is answered partly in favour of the petitioners and against the respondent per operative part of award.

REASONS FOR FINDINGS

Issues No. 1 & 2:

17. Both these issues being correlated and intermingled are being taken up together for decision.

18. The dispute pertains to the termination of the drivers and conductors by the respondent university *w.e.f.* 31.12.2016. The pith and substance of the case set up by the

petitioners is that their termination is violative of the provisions of sections 25-F, 25-G and 25-H, as they had completed more than 240 days in a calendar year and since no notice and retrenchment compensation has been paid the action of the respondent is illegal and against the mandate of the Act.

19. It is however the case of the respondent that during the year 2016, the university had suffered losses in the transport department and as such the university had to close the transport department and as a policy decision it was decided to outsource the transport department to one Mr. Amit Kaushik. It is the specific case of the respondent university that they had neither terminated the services of the claimants nor they were ever retrenched, rather, all the claimants were on the pay rolls of the outsourced agency.

20. The overwhelming evidence placed on record by the petitioner, however, categorically goes to show that the claimants had been engaged by the respondent university. All of them have placed on record their identity cards and bank statements which are Ex. PW-1/D to Ex. PW-1/D-6 and the bank account details show that the salary had been deposited by the respondent university in their respective accounts *vide* Ex. PW-1/E to Ex. PW-1/E-7. The respondent university has also issued certificate to the claimants clearly reflecting that they had been employed as drivers/conductors, which is clear from Ex. PW-1/L-1 to Ex. PW-1/L-5 on record. The EPF deduction of one of the claimants namely Shri Rakesh Kumar s/o Shri Kundan has also been placed on record *vide* Ex. PW-2/B, which corroborates the version of the petitioners.

21. The respondent on the other hand has placed on record a purported notice issued on 9.9.2016, closing down the transport department with immediate effect *vide* Mark R-1. As per this notice all employees of the transport department will be paid one month's salary in lieu of notice. The respondent had also placed on record a purported agreement dated 20.9.2016, *vide* Mark R-2 whereby the university had entered into an agreement with one Mr. Amit Kaushik and Sons whereby the second party was to provide the drivers and conductors for running the vehicles of the university in accordance with the schedule and timing set up by the university *vide* Annexure A and to provide bus service including the service of its drivers and conductors in the manner specified in Annexure-B. The originals of both the documents have not seen the light of the day. The agreement is not even attested by an Oath Commissioner or a Notary or any Executive Magistrate.

22. The respondent has examined one Shri Rajan Sehgal as RW-1, who has placed on record his affidavit Ex. RW-1/A. He has also categorically deposed that on 9.9.2016 a notice was served upon the claimants about the closure of the transport department and the respondent university by way of a policy had outsourced the transport department to one Mr. Amit Kaushik with an assurance that all the staff engaged in the transport department will remain on the pay rolls of outsourced agency. As per him, a copy of the agreement has been annexed along-with the reply. The university had paid one month's salary in lieu of the notice. The respondent university had neither terminated the services of the claimants nor they were ever retrenched rather all the claimants are on the pay rolls of the outsourced agency.

23. However, in his cross-examination, he has admitted that no resolution of the governing body regarding the closure of the transport department and the losses suffered by the university in the year 2016 have been placed on record. He has also admitted that nothing has been placed on record to show that five buses had been sold by the university in the year 2016. Admittedly, the policy for outsourcing had also not been placed on record. As per this witness the outsourcing was done by way of tender and the advertisement was published in the

newspaper, but, nothing has been placed on record to show so. He has also admitted that agreement Mark R-2 does not bear any attestation.

24. As per this witness the university still has nine buses in its fleet. Strangely, the witness has also stated that no retrenchment compensation was given in respect of closure as they had transferred all the petitioners to the rolls of Shri Amit Kaushik, who runs the outsourcing agency. There is, however, even no evidence on record to show so.

25. Though, the university claims that they had transferred all the petitioners on the rolls of Shri Amit Kaushik, through outsourcing, but, the said fact has neither been proved nor there is any evidence on record to believe the version of Registrar who has appeared as RW- 1.

26. In fact the purported agreement itself is shrouded in mystery. It has neither been attested nor the original has been produced in the Court. It thus has to be presumed that apparently the agreement was nothing but a sham or a camouflage. It is fortified by the testimony of RW-1. He has himself stated that all the petitioners had been transferred on the rolls of Shri Amit Kaushik, as per the agreement, but it is not actually so.

27. The purported notice of closure dated 9.9.2016 (Mark R-1) also does not show that the services of all the claimants were transferred to the outsourced agency. In fact, if the university was actually contemplating closing down the transport department it has to take recourse to the provisions of section 25-FFF and consequently pay compensation to the workmen in case of closing down the transport department as envisaged therein or transfer the services of the drivers/conductors to the outsourced agency, but, the said change in the conditions of service was to be effected after issuing a notice under section 9-A of the Act.

28. Even if the university was not to resort to the aforesaid provision it had to effect a settlement with the staff/workers before changing their service conditions. However, nothing of this sort has been done by the respondent, neither is it inferable from the evidence placed on record. The respondent has not even granted compensation to the claimants in respect of the alleged closure as per section 25-FFF. That being so the action of the respondent university cannot withstand legal scrutiny and the termination of the claimants in the reference has to be held to be illegal and against the mandate of the Act. It is held so.

29. Consequently, the action of the respondent university in terminating the services of the claimants' *w.e.f.* 31.12.2016 is held to be illegal, void and the termination is set aside and quashed. The respondent university is directed to reinstate the petitioners forthwith at the same place and post. They shall be entitled to continuity and seniority from the date of their illegal termination. There is not a whisper in the affidavit of PW-1 that the claimants were unemployed and were not gainfully employed during the said interregnum. The claimants thus shall not be entitled to any back-wages. Both the issues thus are decided accordingly.

Issue No. 3.

30. Nothing has been urged nor anything has been brought to my notice as to how the petition is not maintainable. Therefore, keeping in view the reasons recorded in respect of issues No.1 & 2, it cannot be said that the claim petition is not maintainable. The issue is decided in favour of the petitioners and against the respondent.

RELIEF:

For the foregoing reasons discussed hereinabove *supra*, the reference is partly allowed. The respondent is directed to reinstate the petitioners forthwith at the same place and post. They

shall be entitled to continuity and seniority from the date of their illegal termination. However, the claimants are not entitled to any back-wages. Let a copy of this award be sent to the appropriate government for publication in the official gazette. File, after completion, be consigned to records.

Announced in the open Court today this 7th day of November, 2019.

Sd/-
(CHIRAG BHANU SINGH),
*Presiding Judge, Industrial Tribunal-cum-
Labour Court, Shimla.*

Ref. 125 of 2019

Harjeet Singh

V/s

M/s Ban Labs Pvt. Ltd. & Anr.

26-11-2019.

Present: None for petitioner.
Joginder Rawat, Ld. Csl. for respondent.

The petitioner has been duly served for today. The tracking report issued by the postal department clearly shows that the notices have been duly served. None has put in appearance on behalf of the petitioner, through, the matter has been called thrice. It seems that the petitioner is not interested to prosecute the lis any further. Apparently, the Industrial Disputes does not subsist any further. Consequently, the reference is disposed off as not pressed at this stage. The reference is thus disposed off in the aforesaid terms. Let, a copy of this order be sent to appropriate government for publication in the official gazette. File, after completion be consigned to records.

Announced
26-11-2019

Sd/-
(CHIRAG BHANU SINGH),
Presiding Judge, Labour Court, Shimla.

Ref. 108 of 2019

Sh. Raj Kumar Chaudhary

V/s

M/s Dainik Bahaskar Chandigarh & Anr.

18.11.2019

Present: None for petitioner.
Sh. Virender Chauhan, Advocate for respondent.

Despite the petitioner having been duly served for 05.10.2019, none had put appearance for the petitioner on that date. Oblivious of the same, time had been granted to the petitioner to file the statement of claim. Even today, neither anyone is present on behalf of the petitioner nor the statement of claim has been filed. Seemingly, the petitioner is not interested to prosecute the lis any further and the dispute in question has apparently ceased to exist, as of now. The absence of the petitioner right from the inception also shows, so. Consequently, the reference is ordered to be dismissed as having not been pressed at this stage. Ordered accordingly. The reference stands dismissed. Let a copy of this order be sent to the appropriate Government for publication in the official gazette. File, after completion, be consigned to records.

Announced:
18-11-2019

Sd/-
(CHIRAG BHANU SINGH),
Presiding Judge,
H.P. Industrial Tribunal-cum-Labour Court, Shimla.

**IN THE COURT OF SHRI CHIRAG BHANU SINGH, PRESIDING JUDGE, H.P.
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, SHIMLA**

Reference No. 45 of 2008
Instituted on 4-4-2008
Decided on 28-11-2019

Gabriel Employees Union, Registration No. 258, Parwanoo, District Solan, H.P. through its President/General Secretary. *..Petitioner.*

M/s Federal Mogul Bearing India Ltd., Sector-2, Parwanoo, District Solan, H.P., through its General Manager/Factory Manager. *..Respondent.*

Reference under section 10 of the Industrial Disputes Act

For petitioner : Shri R.K. Khidtta, Advocate.
For respondent : Shri Rahul Mahajan, Advocate.

AWARD

The following reference was received for adjudication from the appropriate government:—

“Whether the enquiry conducted by the Management of M/s Federal Mogul Bearings India Ltd., Parwanoo, Distt. Solan, H.P. against Sh. Kulwant Kumar s/o Sh. Barhamu Ram, Sh. Parkash Singh s/o S. Charan Singh and Sh. Nirmal Singh s/o Mukhtayar Singh, is fair and justified and based on the Principal of Natural Justice? If not, the enquiry report dated 8.1.2008 deserved to be quashed?”

“Whether the punishment of dismissal from services imposed on Sh. Kulwant Kumar s/o Late Sh. Barhamu Ram, Operator w.e.f. 07.07.2008 by order dated 7.7.2008. Sh. Parkash Singh s/o Sh. Charan Singh Operator & Sh. Nirmal Singh s/o Sh. Mukhtayar Singh, Operator w.e.f. 8.7.2008 vide orders dated 8.7.2008 is

proportionate to their misconduct proved in the enquiry? If not, whether the orders of dismissal from services of above said three workmen deserve to be quashed and what relief the workers including the reinstatement of service along-with service benefits, seniority and wages from the date of dismissal of the date of reinstatement they are entitled for?"

"Whether sit-in-strike/strike w.e.f. 8.7.2008 by the workers of M/s Federal Mogul Bearings India Ltd., Parwanoo, Distt. Solan, H.P. in support of three dismissed operators S/Sh. Kulwant Kumar, Parkash Singh and Nirmal Singh is legal and justified as alleged by the above said management. If not, its effect on the service conditions of such workers".

"As alleged by the workers union, whether the lock-out of the above said factory/establishment by the management against the protest of the workers who were protesting against the dismissal of the above said three workers, and further to seek undertaking from each worker for entering the gate of factory/establishment for working there is legal and justified? If not, to relief and service benefits including wages, the workers affected by the lock-out, are entitled for ?"

2. The seminal facts necessary to be recapitulated may be put thus.

3. The petitioner union has espoused to get the enquiry report dated 5.1.2008 quashed and set aside whereby three workers namely Kulwant Kumar, Prakash Singh and Nirmal Singh, who were working as operators were dismissed w.e.f. 7.7.2008/8.7.2008, based on the findings recorded by the enquiry officer. The union further seeks their reinstatement with all consequential benefits. The union also prays that the lock-out declared by the company w.e.f. 14.7.2008 may also be declared illegal.

4. Strangely, the reference not only has been sent *vis-à-vis* the dismissal of the three employees but also seeks an adjudication regarding the legality of the strike/lock-out purported to have took place w.e.f. 8.7.2008. A question has also been raised as to whether it was a lock-out and the undertaking sought by the management from the workers before entering the premises was legal or justified or not. Though, the questions relating to the strike or lock-out should have been an independent cause to be espoused separately, but, for the reasons best known to it, the appropriate government has clubbed the two issues in the present reference.

5. Attendant to the reference the union avers in the statement of claim that the enquiry initiated against the three aforesaid workers and the allegations leveled against them for submitting false and fabricated medi-claims were totally false. That no chargesheet was ever issued to the aforesaid three workers and the enquiry officer has indicted them without any basis, the entire enquiry being illegal and against the basic principles of natural justice.

6. The findings recorded by the enquiry officer is based only on the story put forth by the company. The workers had not been granted proper opportunity. So much so, the Doctors of the concerned hospital have not been summoned and examined by the enquiry officer. Though a list of witnesses had been supplied by the workers, the enquiry officer has ignored documents and the statement of witnesses produced by the workers. They had submitted the prescription slips, discharge slips, bills and cash memos, which clearly prove the claim of the workers.

7. The enquiry officer has failed to examine the witnesses of the three workers. They had filed a list of witnesses and without examining them the evidence of the workers was

closed by the enquiry officer. The list of witnesses submitted by the workers has also been annexed alongwith.

8. It is further the case of the petitioner union that the workers right from the beginning had submitted that their claims were genuine and even the investigator of the New India Insurance Company had not associated the workers while conducting his enquiry. The same is corroborated by the certificate issued by Dr. Sangeeta Shory of J.N. Shory Multi Specialist Hospital Panchkula. The said Doctor Shory had issued a certificate to the effect that the patients were actually admitted in the hospital and the said certificates are annexed alongwith the claim.

9. The workers had also submitted written submissions which have not been considered by the enquiry officer. The penalty of removal from service by the respondent company is also stated to be disproportionate. The workers union made a request to the respondent company not to dismiss the three workers but the respondent in place of considering the request of the workers union declared a lock-out in the factory *w.e.f.* 14.7.2008 and even asked the workers to give an undertaking while entering the gate of the factory. The action of the respondent is thus stated to be illegal and against the basic principles of natural justice.

10. It is thus prayed that the action of the respondent be declared as null & void and the respondent company be directed to re-instate all the three workers with all consequential benefits and to declare the lock-out illegal.

11. While contesting the claim the respondent has raised preliminary objections *vis-a-vis* maintainability on account of the acts, deed, conduct and acquiescence of the petitioner. The claim is also stated to be not competent and maintainable as the three workers had been dismissed after holding a just, proper and a valid domestic enquiry, as per the certified standing orders of the company and that too based on the principles of natural justice. It is also the contention of the respondent that the aforesaid three workers were dismissed keeping in view the severity of the misconduct and the punishment is also commensurate to the misconduct alleged against them. The three workers are also stated to be gainfully employed in the industries at Parwanoo- Baddi. The union has no *locus standi* to raise the demand on behalf of the three workers.

12. On merits, it is the contention of the respondent company that on 24.1.2007, an explanation was called from the three workers namely S/Shri Kulwant Kumar, Parkash Singh and Nirmal Singh in respect of submitting false and fabricated medical claims to the tune of ₹15,287/-, 29,489/- and 19,092/- respectively. The said explanation was a show cause-*cum*-chargesheet. The three workers had asked for a Hindi copy, which was duly provided and even they had filed the reply submitting that they had not filed false and fabricated medi-claims. The respondent management feeling not satisfied with the reply decided to hold domestic enquiry into the charges of submitting false and fabricated medi-claims for personal gains, which amounted to major misconduct under the standing orders of the company. The enquiry officer was appointed who then proceed to hold an enquiry against the these workers, which was done in accordance with the procedure prescribed under the Certified Standing Orders, Principles of Natural Justice and Rules of Fair Hearing. The three were duly represented in the domestic enquiry by their authorized representative/co-worker.

13. As per the respondent, the enquiry officer had explained the procedure of the enquiry and even provided sufficient and ample opportunity to both the sides to bring their witnesses, to cross-examine the witnesses, for submission of documents and to file written arguments. The enquiry reports dated 5.1.2008, 8.1.2008 and 15.1.2008 were just, proper and the enquiry officer had taken into consideration the entire documentary evidence and the statement of the witnesses. The enquiry officer had rightly held that the allegations against the workers *vide* explanation

dated 29.1.2007 stands duly proved, beyond doubt. The punishment order of the three workers was commensurate to the misconduct and they were terminated on 7.8.2008 and 8.8.2008 respectively.

14. It is further the contention of the respondent that sufficient opportunities were given to the three to put forth their case and to examine their witnesses. As per the respondent though there has been no breach of principles of natural justice, fair hearing and procedure prescribed in the company's standing orders *qua* conducting of the domestic enquiry but if this Court takes a contrary view the validity of the domestic enquiry be treated as a preliminary issue. It is further averred by the respondent that the workers had filed the replies to the explanation/chargesheet dated 24.1.2007, thus, it does not lie in their mouth to say that no chargesheet was issued. The three have participated in the enquiry and they have received each and every day's enquiry proceedings too.

15. Per the respondent the enquiry officer had duly sent notices to the Medical Officers of J.N. Shory Hospital, Pinjore and the owner of Parth Medicos, Pinjore, but no one turned up to give a statement and even the registered letter sent to Parth Medicos was refused by its owner. The enquiry also thus cannot be faulted at this score. It has thus been proved beyond doubt that the three were guilty of submitting false and fabricated medi-claims. In fact the witnesses have failed to turn up to depose, even after the receipt of notices issued by the enquiry officer.

16. It is further averred by the respondent that the certificates which have been annexed alongwith the petition that they have remained admitted in the hospital having been signed by one Dr. Sangeeta Shory appears to be false and fictitious certificates. The punishment awarded to the three workers is stated to be commensurate with the misconduct, which stands duly proved.

17. It is denied that there was any lock-out in the factory. The workers had resorted to an illegal and an unjustified tool down strike which resulted in monetary loss to the respondent. It also entailed loss of production and good will. The workers had proceeded on an illegal and unjustified strike against the dismissal of the three workmen on 8.7.2008, though the dismissal had been ordered after conducting a just, fair and a proper enquiry. The strike was even prohibited by the Labour Commissioner on 31.7.2007, but, the workers and the union still continued to remain on strike. The Labour-cum-Conciliation Officer, Solan had even asked them to rejoin, but they failed to join their duties. Several notices were issued to the workers to desist from indulging in activities detrimental to the company and not to resort to an illegal strike/Dharna, but, to no avail. The notices issued to the workers have also been annexed alongwith the reply.

18. It was thus prayed that the reference be dismissed being devoid of any merits.

19. While filing rejoinder, the petitioner controverted the averments in the reply filed by respondent No.1 and further reiterated those in the statement of claim.

20. I notice that on 2.12.2009, the following issues came to be framed by my Learned Predecessor. It was however, also re-casted on 30.7.2010. Moreover, in view of orders passed in LPA No. 06/18 dated 7.3.2012 and an order dated 21.6.2019, passed in CMPMO No. 506 of 2018, an additional issue 2-A came to be framed by this Court on 6.8.2019.

- (1) Whether the enquiry conducted by respondent management against S/Shri Kulwant Kumar, Parkash and Nirmal Singh is not fair and justified as per principle of natural justice? If not, its result? ..OPP.

- (2) Whether the punishment of dismissal imposed upon Mr. Kulwant Kumar, Parkash Singh and Nirmal Singh is proportionate to the misconduct proved in the enquiry? If not, whether dismissal order of said workman deserve to be quashed and are entitled to consequential benefits as prayed for? ..*OPP*.
- (2-A) Whether the claim for medical reimbursement put forth by the appellant were genuine or fake? ..*OPP*.
- (3) Whether the strike *w.e.f.* 8.7.2008 by workers of respondent union is illegal and unjustified as alleged by the management? If so, its effect? ..*OPR*.
- (4) Whether lock-out by the management against protest of workers for dismissal of workmen and to further seek undertaking is legal and justified? If not, to what relief the workers are entitled to? ..*OPP*.
- (5) Whether the claim petition is neither competent and nor maintainable as alleged? ..*OPR*.
6. Whether averments made in the claim petition are beyond the terms of reference ? If so, its effect? ...*OPR*.
7. Whether the petitioner union has no *locus standi* to raise this Industrial Dispute? ...*OPR*.
8. Relief:
21. Having considered the pleadings, evidence and other attendant material placed on record, my findings on the issues framed are thus:—
- | | |
|---------------|---|
| Issue No.1 | No |
| Issue No. 2 | Entitled to reinstatement with seniority continuity alongwith back-wages @ 50% from the date of their dismissal till their reinstatement. |
| Issue No. 2-A | The claim was genuine |
| Issue No. 3 | Yes |
| Issue No. 4 | Decided accordingly |
| Issue No. 5 | No |
| Issue No. 6 | No |
| Issue No. 7 | No |
| Relief: | Reference partly answered in favour of the petitioner union and against the respondent management per operative part of award. |

REASONS FOR FINDINGS

Issues No. 1, 2 & 2-A.

22. All these issues being correlated and intermingled are being taken up together for decision.

23. In fact, issue No. 2-A came to be framed in pursuance to the orders passed by the Hon'ble High Court in LPA No. 6 of 2018 on 7.3.2012 and CMPMO No. 506 of 2018 dated 31.6.2019. As a sequel to the issue so framed the ambit and scope of judicial deliberation has increased, as the issue now per se does not only pertain to the findings recorded by the

enquiry officer, while deciding the allegations against the three workmen but also now includes within its domain the genuineness of the medi-claims. In pursuance to the framing of the additional issue, the petitioner has not led any fresh evidence. It was prayed that the evidence already led be read in support of the additional issue. Though the respondent has examined one Mr. Balwinder Singh on 14.10.2019 as RW-2.

24. Primarily the allegation against the three workmen namely Kulwant Kumar, Parkash Singh and Nirmal Singh is that they had submitted medi-claims worth ₹15287/-, ₹29,489/- and ₹19,092/- respectively on account of alleged admission of Kulwant Kumar and wives of the other two workmen for treatment as indoor patients, whereas, they had not been admitted in the hospital and the prescription and cash memos had been arranged with the intention of obtaining false medi-claims. The indoor medical record had been fabricated to support the medi claim which was not genuine and even the insurance company had rejected their medi-claims. They had submitted false and fabricated claims for their personal gains which was an act subversive of discipline which besides being a major misconduct is also punishable under the Indian Penal Code, as can be inferred from the explanation sent to three workmen on 24.1.2007 *vide* Ex. PW-5/B, Ex. PW-6/B and Ex. PW-7/B. All the three workmen had filed replies to the explanation *vide* Ex. PW-5/C, Ex. PW-6/C and Ex. PW-7/C.

25. The specific stand espoused by the workers was that one of them himself namely Kulwant Kumar had been admitted *w.e.f.* 14.9.2006 to 17.9.2006 while the wife of Prakash Singh namely Manjit Kaur had been admitted *w.e.f.* 12.9.2006 to 22.9.2006 and the wife of Nirmal Singh namely Swaranjit Kaur had been admitted from 31.8.2006 to 7.9.2006.

26. Admittedly, the respondent did conduct a departmental enquiry through RW-1 Shri V.K. Gupta. After having recorded witnesses of the management the enquiry officer had returned a finding of guilt holding that the allegations leveled against the workmen and the submitting of medi-claims by the workmen were false and fictitious and it stands duly proved beyond doubt. The enquiry reports in this behalf have been exhibited as Ex. R-25, Ex. R-58 and Ex. R-88 respectively. The enquiry officer had even issued notices to the witnesses sought to be examined by the workmen through courier but they did not appear. The notices sent to one of the Medical Shop namely Parth Medical Shop was returned back as having been refused. The findings so recorded by the enquiry officer are in fact under challenge before this Court.

27. For the reasons best known to them the appropriate government has also referred the issue of the union having resorted to a strike *w.e.f.* 8.7.2008 and even the question of a lock-out allegedly resorted by the management also has been referred alongwith. Though, they should have been separate references, but, none the less, having been referred shall be answered. Strangely, the same issue had also been referred in part, *vide* reference No. 58 of 2008.

28. The petitioner union in this Court has examined eleven witnesses in all to impeach the findings returned by the enquiry officer. The first and foremost being Doctor Sangeeta Shory (PW-1). She is the Doctor in whose hospital the workers and their families are stated to have been hospitalized. Strangely, during the course of enquiry the management has neither examined her nor any other Doctor from the hospital was examined to prove the allegations against the workmen. The workers also had moved an application for summoning the witnesses which included Doctor Sangeeta Shory and the Chemist from Parth Medical Shop *vide* Ex. PW-6/D, but they had not been examined, as they had failed to turn up before the enquiry officer.

29. This witness while appearing before this Court has specifically admitted that the prescription slips dated 14.9.2006, 22.9.2006, 31.8.2006 and 3.9.2006 had been written by her junior but signed by her and duly issued by the hospital *vide* Ex. PW-1/A to Ex. PW-1/D. She has

also admitted that the bills relating to treatment charts dated 17.9.2006 and 7.9.2006 Ex. PW-1/E and Ex. PW-1/F were issued by the hospital. She also admits that the patients Kulwant Kumar, Manjit Kaur and Swarna Kaur had been admitted in the hospital regarding which discharge slips had been issued to them *vide* Ex. PW-1/G, Ex. PW-1/H and Ex. PW-1/J respectively. She also admits that she had issued certificates Ex. PW-1/K to Ex. PW-1/M. They had also been signed by her. It would be apposite to point out that these certificates had also been produced before the enquiry officer, though no finding has been returned on this count. The Doctor further categorically and in-uncertain terms deposed that Kulwant Kumar remained admitted in the hospital *w.e.f.* 14.9.2006 to 17.9.2006, likewise Manjeet Kaur remained admitted from 12.9.2006 to 22.9.2006 and Swarnajeet Kaur remained admitted from 31.8.2006 to 7.9.2006. The Doctor has treated all the patients personally, however, due to some clerical mistake a wrong date of admission has been reflected *vis-a-vis* Kulwant Kumar and Manjeet Kaur which was later on corrected by her and she had also issued certificates Ex. PW-1/K and Ex. PW-1/M respectively. She had also verified the medical bills of all the three patients.

30. In fact in her cross-examination, the Doctor has admitted that even in Ex. RPF and other documents, which are the treatment summary and the chart, dates have been wrongly mentioned as October instead of September. She has admitted that discharge slip Ex. PW-1/H (discharge relating to Manjeet Kaur) is not in her hand, but, she admits that it has been signed by Doctor Anil Shory, Co-Director of the hospital and her brother-in-law. The dates mentioned in the indoor head ticket are also stated to be due to some clerical mistake. She has denied that certificates issued by the hospital were false.

31. Likewise PW-2 Ashwani Kumar, Prop. of Parth Medicos has also admits that the cash memo Ex. PW-2/A to Ex. PW-2/J have been issued from his shop. In fact he has admitted that in one of the cash memo *i.e.* Ex. PW-2/H, cutting had been made changing the month from 10th to 9th. He also admits that it was a clerical mistake.

32. PW-2/H pertains to Swarnajeet Kaur and the cash memo pertains to 3rd of September 2006 and in place of 10-9 has been written. The other two cash memo of Swarnajeet Kaur Ex. PW-2/J pertains to 31.8.2006 while PW-2/J pertains to 8.9.2006. The cuttings on this does not *prima-facie* seem to be wrong. The petitioner have also examined Swarnajeet Kaur as PW-3, Manjeet Kaur, as PW-4 and Kulwant Kumar as PW-5. All the three patients have stood by their respective version, of having been admitted on the different dates reflected in the chargesheet. The Husband of Manjeet Kaur who is one of the aggrieved workman has appeared as PW-6 while the husband of Swarnajeet Kaur has appeared as PW-7 being Nirmal Kumar. They have all corroborated the other witnesses. Shri Haider Ali has been examined as PW-8. He was the defence assistant of the three workmen. PW-9 one Shri Ashok Kumar and PW-10 Shri Daljit Singh have corroborated the version of the patients. Both the witnesses have admitted that they have seen Kulwant Kumar, Manjeet Kaur and Swarnajeet Kaur admitted in hospital and even visited them during their ailment. Shri Dwarkanath has been examined as PW-11.

33. The respondent has examined the enquiry officer Shri V.K. Gupta, as RW-1. The enquiry officer has taken the pains of proving the entire enquiry proceedings, starting from the date of intimation, which was sent *vide* letter dated 6.10.2006 (Ex. R-1) and even all the day to day proceedings till Ex. R-19. As per the enquiry officer the proceedings bear his signatures and that of all the persons present there. Per the enquiry officer apart from the witnesses of the management, even the workers had got recorded their statements (Ex.R-3). The workers had filed a list of witnesses and he had issued notices through courier, but, none appeared. He has placed on record the original letters and the copy of letters issued to the witnesses. Likewise he has placed on record the day to day proceedings relating to the two other workmen *vide* Ex. R-30 to Ex. R-48 and Ex. R-68 to Ex. R-78 respectively. As per the enquiry officer the procedure

adopted by him was never objected to by the workers. He conducted a fair enquiry as per the principles of natural justice. All the enquiry proceedings bears the signatures of the workers and he had even supplied day to day proceedings to all the three workers.

34. The conjoint reading of the enquiry report and the evidence lead before this Court one thing which very glaringly comes to the fore is that the Doctors from J.N. Shory Hospital Pinjore were never associated during the course of the enquiry. The respondent management did not think it proper to examine them as their witnesses. The genesis of the entire allegations, that is having procured false and fictitious bills originated from the hospital. If the workers were to be prosecuted on the said allegations, primarily the most important witness had to be from the hospital itself. It is only the hospital which could have testified as to whether the worker Shri Kulwant Kumar and the wives of the other two workers had been indeed hospitalized for the days mentioned in the chargesheet or not. No endeavor was made by the management to associate the management of the hospital to prove the aforesaid charges against them. No doubt, the workers had also furnished the list of witnesses and apparently the enquiry officer had issued notices through courier and since the witnesses did not appear, the enquiry officer proceeded with the available evidence on hand.

35. The reading of the enquiry reports Ex. R-25, Ex. R-58 and Ex. R-88, however, shows that certificates issued by Doctor Sangeeta Shory had been placed on record by the workers. They are also a part of the proceedings but have not been referred either in the enquiry nor they have been exhibited or marked. The enquiry officer has referred to the statement of one of the worker's that his date of admission, by mistake, has been written as 14.10.2006 to 17.10.2006, whereas he remained admitted from 14.9.2006 to 17.9.2006 which was a clerical mistake and the same has been rectified by issuing certificates by the Doctor of the hospital. The certificate is also on record but has not been marked or exhibited by the enquiry officer.

36. The version of Doctor Sangeeta Shory (PW-1) reproduced hereinabove in uncertain terms further shows that Shri Kulwant Kumart, Manjeet Kaur and Swaranjeet Kaur had remained admitted in the hospital. She has not only admitted having given treatment to all of them but has admitted all the documents including prescription slips (Ex. PW-1/A to Ex. PW- 1/D), bills relating to treatment (Ex. PW-1/E & Ex. PW-1/F) and the discharge slips (Ex. PW- 1/G to Ex. PW-1/J) have been duly and correctly issued by the hospital. The Doctor has also admitted that the month had been wrongly incorporated in the discharge slip, due to some clerical mistake. The same had been rectified and she had also after correction issued certificates Ex. PW-1/K to Ex. PW-1/M. In fact, it is not that these certificates have seen the light of the day, for the first time before this Court, but, apparently had been even placed before the enquiry officer, who has failed to take cognizance of the same. The version of the Doctor thus cannot be said to be an afterthought. Even during the course of the enquiry the corrections so made and the certificates had been notified to the enquiry officer. In fact the Doctor further stated that she had even verified the medical bills of the three patients. There is nothing on record to disbelieve the Doctor. It is no one's case that the Doctor has connived with the workers.

37. Moreover, a bare glimpse at Ex. PW-2/H wherein also the month had been wrongly recorded as 10th had been changed to 9th by the owner of the Parth Medical Shop shows that it was a bonafide clerical mistake. The other bills relating to Swaranjeet Kaur pertains to 31.8.2006 (Ex. PW-2/G) and 8.9.2006 (Ex. PW-2/J). It also shows that bills indeed pertained to August and September only. A bare glance at the documents shows that it was indeed a typographical mistake. It also corroborates the version of the Doctor.

38. All other witnesses have also in unison deposed that they have been admitted for the periods reflected in the chargesheets and it was not the other way around.

39. The non-examination of the Doctor during the course of enquiry thus gains significance and in fact is fatal for the respondent. The examination of the Doctor from the hospital had to be at the asking of the management and not the workers. The allegations had to be proved by the management first and it is now well settled and a cardinal principle. Whatever relating to the hospital was brought to the notice of the enquiry officer by the workers has also not been deliberated and discussed by him as has been discussed hereinabove.

40. In fact, the respondent while examining Shri Balwinder Singh as RW-2 has placed on record the indoor bed head tickets and treatment chart as Mark A and Mark B. A bare perusal of Mark A, the indoor bed tickets shows that corrections have already been made in the indoor bed tickets, showing the date of admission as 14.9.2006 in place of 14.10.2006. It rather than supporting the management further fortifies the deposition of PW-1 Doctor Sangeeta Shory. RW-2 Shri Balwinder Singh further deposes that he does not know that Doctor has issued certificate regarding the typographical mistake. However, the fact of the matter is that not only the Doctor has deposed before this Court but these certificates have also been brought to the notice of the enquiry officer even during the course of enquiry itself, but there is not a whisper in the enquiry report regarding the same.

41. Though, much has been urged on behalf of the petitioner that the enquiry is bad because no chargesheet was served upon the workers, no proper opportunity had been afforded to them to defend their cause and that even the witnesses of the workers were also not examined. It was also averred that the enquiry officer has failed to record any reasons in support of his findings and even refused to call the defence witnesses. Without adverting to the aforesaid contentions, more so keeping in view the additional issue No. 2-A framed, suffice it to say that it cannot be said that the medical reimbursement put forth by the workers were fake. The testimony of PW-1 Doctor Sangeeta Shory and PW-2 Ashwani Kumar the owner of Parth Medical Store discussed hereinabove clearly shows so. It cannot also be inferred from the evidence before the enquiry officer that the workers had submitted a false and fabricated medical claim. The testimony of Doctor Sangeeta Shory (PW-1) and Ashwani Kumar (PW-2) clearly demolish the version of the management. Moreover, they have not been examined by the enquiry officer as a management witnesses. This is the least which had to be done to sustain the submission of false and fabricated bills. Merely a report of the investigator cannot suffice to sustain the charges against the workers. The findings so recorded by the enquiry officer primarily hinges solely upon the report of the investigator. The report of the investigator also gets falsified by the testimony of PW-1 and PW-2 on record and cannot be taken at its face value. The enquiry officer had apparently got swayed by his report alone. It could not have been made the sole basis to hold the workers liable for misconduct.

42. In fact the entire version of Kulwant Kumar specifically gets corroborated by the fact that he was absent from duty from 15.9.2006 to 17.9.2006 and even as per the version of the workers and the Doctor he got admitted in the hospital on the evening of 14.9.2006. The record of the management thus, itself corroborates the version of the worker.

43. For all the reasons discussed hereinabove, it is thus crystal clear that oblivious of the safe guards taken by the respondent, in conducting an enquiry based on the principles of natural justice, they have failed to examine the most important witnesses to sustain the charges against the workers, resulting in a finding totally perverse in law. The Doctor who admitted the patients herself has demolished the entire case of the management. It has thus to be held that the medical reimbursement put forth by the workers were genuine and the findings returned by the enquiry officer are also illegal and void. The same is accordingly set aside and quashed.

44. As a sequel to the discussion held hereinabove the three workmen are entitled to be reinstated and it is ordered accordingly. Though, the learned counsel for the respondent has vociferously urged that they are not entitled to back-wages and in this behalf the learned counsel has placed reliance upon the judgment of the Hon'ble Supreme Court in **Kendriya Vidyalaya Sangathan and another Vs. S.C. Sharma (2005) 2 SCC 363 and Management of Regional Chief Engineer P.H.E.D, Ranchi and Their workmen rep. by District Secretary [2019 (160) FLR 87]**. No doubt, by now it is fairly well settled that to prove the entitlement for back-wages the initial burden is on the employee and he has to show that he was not gainfully employed and the said factum has to be pleaded and proved. In the present case too the workers do contend that they are not gainfully employed, but, it is not a case of termination simplicitor governed by the provisions of section 25-F. Both the aforesaid judgments, comprehend a situation where the workers had been terminated in violation of section 25-F. Here is a case where the workers had come to be dismissed after conducting of a domestic enquiry and the said enquiry has been held to be bad in the eyes of law. In that view of matter it would be in the interest of justice and fair play that the workers are re-compensated for the loss occasioned to them because of their illegal termination and the stigma foisted upon them. The workmen thus are entitled to 50% back-wages from the date of their dismissal till their reinstatement. In fact, in the latest judgment referred to by the learned counsel for the respondent management himself, 50% back-wages has been ordered to be paid even in case of reinstatement arising out of the violation of section 25-F simplicitor *i.e.* in case relating to the management of **Regional Chief Engineer P.H.E.D. Ranchi's case**, discussed hereinabove *supra*. Consequently issue No.1 and 2-A are answered in favour of the petitioner. Since, the findings returned by the enquiry officer are quashed and set aside the issue No.2 becomes redundant.

Issues No. 3 & 4.

45. Both these issues being correlated and intermingled are being taken uptogether for decision.

46. The moot question which arises to be decided is whether after 8.7.2008, the workers were on strike or had been laid off by the management. The workers allege that they were laid off, while as per the management, the workers were on strike and that too an illegal one.

47. The word lay-off has been described in section 2(KKK). It generally means the failure/refusal or inability of an employer on account of the shortage of coal, power or raw materials or the accumulation of stocks or the breakdown of machinery or natural calamity or for any other unconnected reason to not give employment to a workman whose name is borne on the muster-rolls of his industrial establishment but who has not been retrenched.

48. The respondent management has placed on record a letter dated 8.7.2008 Ex. R-17, which happens to be a notice whereby the workers were advised and counseled by their superiors to restrain from resorting to an unjustified strike and to resume work. The workers were also asked not to breach the tri-partite settlement dated 2.6.2007, failing which they would not be entitled to any wages on the basis of "no work no pay". It was also made clear to the workers that "A" shift workers had not resumed their work till 2-30 PM on 8.7.2008 and likewise "B" shift had also not started work till 6.30 PM. The copy of the notice had also been sent to the Labour/Joint Labour Commissioner, the Labour-cum-Conciliation Officer and the Labour Inspector, Parwanoo. They have also placed on record another document dated 8.7.2008 as Ex. R-18, whereby the president of the union had been apprized that the workers had resorted to an unjustified sit-in-strike. In fact the union had also been invited for a meeting at 4.15 PM in the conference room of the company. Both the documents have been duly received and bears the

signatures of some office bearer of the union. Haider Ali, PW-8, who was also the General Secretary of the union has admitted that he has received letters Ex. R-17 and Ex. R-18.

49. The respondent had also issued a letter dated 6.8.2008, whereby the attention of the union was invited to the fact that the strike had been prohibited by the Labour Commissioner, *vide* his letter dated 31.7.2008.

50. Though, PW-8 has denied that the respondent management had issued notices *vide* letter dated 9.7.2008, 10.7.2008, 11.7.2008 and 12.7.2008 (Mark R-9 to Mark R-12), but strangely he admits his signatures on the said documents. The president of the union while appearing as PW-11 has admitted that Haider Ali has received the notices from the company.

51. There is no evidence forthcoming from the petitioner union that the company had refused to give them work as per the requirement of section 2(kkk). It thus has to be presumed that the workers union was on strike from 8.7.2008. It is further corroborated by the fact that the strike/lock-out had been even prohibited by the Labour Commissioner on 31.7.2008. The strike, in any case, was in support of the three workers, who had allegedly been dismissed for false and fictitious medi-claims. The workers union should have espoused the cause of the workmen through legal means and not by resorting to strike as had been done by the workers of the union.

52. In fact, the said question had also been referred by the appropriate government *vide* reference No. 58 of 2008, which was issued by the appropriate government on 31.10.2008. In pith and substance, the dispute raised in November also pertained to the legality of the strike and since the questions had already been referred to this Court in the present reference as questions No. 3 & 4, the subsequent reference was literally on the same cause. Be it as it may, the fact however remains that the said reference eventually stands decided by this Court and modified by the Hon'ble High Court *vide* CWP No. 4175 of 2012 and CWP No. 4610 of 2012-A decided on 18.12.2012, whereby a lump-sum compensation of ` 2.6 lakhs was directed to be made to the workers as per the award passed in reference no. 58 of 2008 on 31.3.2012 as full & final of the claim of wages and incentives upto 31.12.2012 apart from other incentives granted by the Hon'ble high Court. Almost 99 workers are already stated to have received the aforesaid amount except the three dismissed employee. The present issue thus has literally been rendered otiose as all the workmen have already been ordered to be paid compensation till 31.12.2012. None the less, the strike however is held to be illegal as has been detailed hereinabove.

53. As a sequel the workers shall not be entitled to any relief, having been on strike without any justified reason. The issues are thus decided accordingly.

Issues No. 5,6 & 7

54. All these issues being correlated and intermingled are being taken uptogether for decision.

55. Nothing has been urged nor anything has been brought to my notice as to how the petition is neither competent nor maintainable, as to which of the averments made in the claim petition are beyond the terms of reference and why the petitioner union has no *locus standi* to raise this industrial dispute. Therefore, keeping in view the reasons recorded in respect of issues No.1 to 4, above, it cannot be said that the claim petition is neither competent nor maintainable, averments of the claim petition are beyond the terms of the reference and the petitioner has no *locus standi* to raise this industrial dispute. The issues are decided in favour of the petitioner union and against the respondents.

RELIEF

For the foregoing reasons discussed hereinabove *supra*, the reference is partly answered in favour of the petitioner union and against the respondent. The enquiry conducted by the respondent management against Kulwant Kumar, Prakash Singh and Nirmal Singh is quashed and set aside. The respondent management is directed to re-instate the services of three workers *i.e.* Kulwant Kumar, Parkash Singh and Nirmal Singh. They would be entitled to seniority and continuity. The above three workers shall also be entitled to back-wages @ 50% *i.e.* from the date of their dismissal till their reinstatement. Ordered accordingly. Let a copy of this award be sent to the appropriate government for publication in the official gazette and for further necessary action. File, after completion, be consigned to records.

Announced in the open Court today this 28th day of November, 2019.

Sd/-
(CHIRAG BHANU SINGH),
Presiding Judge,
Industrial Tribunal-cum- Labour Court, Shimla.

ब अदालत उप-मण्डल अधिकारी बड़सर, जिला हमीरपुर, हिमाचल प्रदेश

श्री प्रदीप कुमार शर्मा सुपुत्र श्री किशोर चन्द शर्मा, वासी गांव व डाकघर कनोह, तहसील बड़सर, जिला हमीरपुर, हिमाचल प्रदेश प्रार्थी।

बनाम

आम जनता

..... प्रतिवादी।

विषय.—शादी नोटिस के माध्यम से प्रकाशन बारे।

प्रार्थना—पत्र श्री प्रदीप कुमार शर्मा ने हाजिर अदालत दायर किया है। प्रार्थी का आवेदन है कि उनकी शादी दिनांक 27-07-2006 को ज्योति शर्मा के साथ हुई है। प्रार्थी की शादी की तिथि ग्राम पंचायत कनोह के पंचायत रिकार्ड में पंजीकृत नहीं है।

अतः आम जनता व इलाकावासियों को इस अदालत द्वारा जारी नोटिस/इश्तहार के माध्यम से सूचित किया जाता है कि यदि किसी व्यक्ति को उक्त श्री प्रदीप कुमार शर्मा व ज्योति शर्मा का विवाह दर्ज करने बारे आपत्ति हो तो वह अपना एतराज असालतन या वकालतन हाजिर अदालत आकर दिनांक 28-02-2020 से पूर्व पेश कर सकता है। इसके उपरान्त कोई एतराज मान्य नहीं होगा। किसी की भी आपत्ति प्राप्त न होने की सूरत में एकतरफा कार्यवाही अमल में लाई जाएगी तथा प्रार्थी की शादी को पंचायत रिकार्ड में दर्ज करने बारे सम्बन्धित ग्राम पंचायत का आदेश दे दिया जाएगा।

नोटिस आज दिनांक को मेरे हस्ताक्षर एवं कार्यालय मोहर अदालत द्वारा पारित हुआ।

मोहर।

हस्ताक्षरित/—
उप-मण्डल अधिकारी बड़सर, जिला हमीरपुर, हि0 प्र0।

ब अदालत उप-मण्डल अधिकारी बड़सर, जिला हमीरपुर, हिमाचल प्रदेश

सरिता बन्वाल सुपुत्री श्री कुशल कुमार बन्वाल, वासी गांव व डाकघर भकरेड़ी, तहसील बड़सर, जिला हमीरपुर, हिमाचल प्रदेश
प्रार्थी।

बनाम

आम जनता

प्रतिवादी।

विषय.— नोटिस के माध्यम से प्रकाशन बारे।

प्रार्थना—पत्र श्री कुशल कुमार बन्वाल ने हाजिर अदालत दायर किया है। प्रार्थी का आवेदन है कि उनकी बेटी का नाम पंचायत रिकार्ड में कुसमा कुमारी है जाकि गलत है सही नाम सरिता बन्वाल है।

अतः आम जनता व इलाकावासियों को इस अदालत द्वारा जारी नोटिस/इश्तहार के माध्यम से सूचित किया जाता है कि यदि किसी व्यक्ति को उक्त सरिता बन्वाल के नाम को ठीक करने बारे आपत्ति हो तो वह अपना एतराज असालतन या वकालतन हाजिर अदालत आकर दिनांक 28-02-2020 से पूर्व पेश कर सकता है। इसके उपरान्त कोई एतराज मान्य नहीं होगा। किसी की भी आपत्ति प्राप्त न होने की सूरत में एकतरफा कार्यवाही अमल में लाई जाएगी तथा प्रार्थी की बेटी का नाम पंचायत रिकार्ड में ठीक करने बारे सम्बन्धित ग्राम पंचायत का आदेश दे दिया जाएगा।

नोटिस आज दिनांक को मेरे हस्ताक्षर एवं कार्यालय मोहर अदालत द्वारा पारित हुआ।

मोहर।

हस्ताक्षरित/—

उप-मण्डल अधिकारी बड़सर, जिला हमीरपुर, हि0 प्र0।

ब अदालत कार्यकारी दण्डाधिकारी एवं तहसीलदार बड़सर, जिला हमीरपुर, हिमाचल प्रदेश

श्री लखवीर सिंह बन्वाल सुपुत्र श्री शिवशरण सिंह, निवासी गांव बग्गी, डाकघर भकरेड़ी, तहसील बड़सर, जिला हमीरपुर, हिमाचल प्रदेश
प्रार्थी।

बनाम

आम जनता

प्रतिवादी।

विषय.—नाम व जन्म-तिथि दुरुस्ती बारे।

प्रार्थना—पत्र श्री लखवीर सिंह बन्वाल सुपुत्र श्री शिवशरण सिंह, निवासी गांव बग्गी, डाकघर भकरेड़ी तहसील बड़सर, जिला हमीरपुर, हिमाचल प्रदेश ने अपनी पत्नी मीरां देवी के नाम व जन्म-तिथि दुरुस्ती बारे राजपत्र हिमाचल प्रदेश के माध्यम से प्रकाशन हेतु आवेदन दायर किया है। प्रार्थी का आवेदन है कि उसकी पत्नी का वास्तविक नाम मीरां देवी व जन्म-तिथि 08-02-1968 है। परन्तु उसकी सर्विस नौ सेना रिकार्ड में उसकी पत्नी का नाम मीरां बन्वाल व जन्म-तिथि 01-01-1968 दर्ज है जोकि गलती से दर्ज हुआ है। प्रार्थी लखवीर सिंह बन्वाल ने प्रमाण के तौर पर अपनी पत्नी मीरां देवी का स्कूल प्रमाण-पत्र आधार कार्ड, पैन कार्ड व सचिव ग्राम पंचायत भकरेड़ी द्वारा जारी विवाह प्रमाण-पत्र की छायाप्रतियां आवेदन-पत्र के साथ संलग्न की है। प्रार्थी का आवेदन है कि उक्त प्रकारण का प्रकाशन राजपत्र हिमाचल प्रदेश के माध्यम से करवाया जावे।

अतः आम जनता व इलाकावासियों को इस इशतहार/नोटिस के माध्यम से सूचित किया जाता है कि किसी को भी मीरां देवी पत्नी लखवीर सिंह वन्याल के नाम व जन्म तिथि शुद्धीकरण बारे कोई एतराज हो तो वह अपना उजर दिनांक 26-02-2020 से पूर्व तहसील कार्यालय बड़सर में असालतन या वकालतन दायर कर सकता है। उक्त वर्णित दिनांक के उपरान्त कोई भी एतराज मान्य नहीं होगा। यदि उक्त वर्णित दिनांक तक आम जनता की तरफ से कोई एतराज पेश न पाया गया, तो यह माना जाएगा कि आम जनता को मीरां देवी पत्नी श्री लखवीर सिंह वन्याल, निवासी गांव बग्गी, डाकघर भकरेड़ी, तहसील बड़सर, जिला हमीरपुर, हिमाचल प्रदेश के नाम व जन्म तिथि शुद्धीकरण बारे कोई आपत्ति न है। उसके उपरान्त नियमानुसार एकतरफा कार्यवाही अमल में लाई जाएगी। प्रार्थी उक्त दिनांक के उपरान्त सम्बन्धित विभाग/कार्यालय में अपनी पत्नी के नाम व जन्म-तिथि की दुरुस्ती/शुद्धीकरण बारे आवेदन दायर कर सकता है।

यह इशतहार/नोटिस आज दिनांक 27-01-2020 को मेरे हस्ताक्षर एवं कार्यालय मोहर द्वारा जारी हुआ।

मोहर।

हस्ताक्षरित/—
कार्यकारी दण्डाधिकारी एवं तहसीलदार,
बड़सर, जिला हमीरपुर, हिमाचल प्रदेश।

कार्यालय सहायक समाहर्ता, II श्रेणी बमसन स्थित टौणी देवी, जिला हमीरपुर, हि0 प्र0

सुभाष चन्द पुत्र हंस राज, वासी टीका कंजयाण, मौजा बमसन, तहसील भोरंज, जिला हमीरपुर (हि0 प्र0) प्रार्थी।

बनाम

आम जनता

प्रतिवादी।

विषय.—मखफुद—उल—खबरी बजरिया इशतहार।

यह दरखास्त सुभाष चन्द पुत्र हंस राज, वासी टीका कंजयाण, मौजा बमसन, तहसील भोरंज, जिला हमीरपुर (हि0 प्र0) ने इस अदालत में शपथ—पत्र इस आशय से गुजार रखी है कि उसका भाई करतार चन्द पुत्र हंस राज, वासी टीका कंजयाण, मौजा बमसन, तहसील भोरंज, जिला हमीरपुर (हि0 प्र0) लगभग 65 वर्षों से लापता है काफी खोजबीन उपरान्त भी उसके जीवित या मृत होने की कोई जानकारी न है। आज तक उसका कोई पता नहीं चल सका है। इसके नाम टीका टिक्कर खत्रियां में भूमि है। जिसका इंतकाल मखफुद—उल—खबरी दर्ज किया गया है।

अतः इस इशतहार राजपत्र/मुस्त्री मुनादी जारी कर आम जनता व अन्य वारसान को सूचित किया जाता है कि अगर किसी को कोई भी उजर/एतराज हो तो वह असालतन या वकालतन हाजिर आकर दिनांक 25-02-2020 को एतराज पेश कर सकता है हाजिर न आने की सूरत में एक तरफा कार्यवाही अमल में लाई जाकर आगामी कार्यवाही की जाएगी। उसके बाद कोई उजर जेर समायत न होगा।

आज दिनांक 23-01-20120 को मेरे हस्ताक्षर व मोहर अदालत से जारी हुआ।

मोहर।

हस्ताक्षरित/—
सहायक समाहर्ता II श्रेणी, बमसन स्थित टौणी देवी,
जिला हमीरपुर, हि0 प्र0।

ब अदालत विवाह पंजीकरण अधिकारी, बड़सर, उप-मण्डल बड़सर, जिला हमीरपुर, हि0 प्र0

1. Mr. Vijay Kumar age 33 years s/o Sh. Gian Chand, r/o Village Harma, P.O. Baliah, Tehsil Barsar, District Hamirpur (H.P.).

2. Ms. Meena Kumari age 18 years d/o Sh. Karan Bahadur, r/o 13, GT Road, New Golden Avenue Near Panjpeer, Amritsar (Punjab). प्रार्थी।

बनाम

आम जनता

प्रतिवादी।

आम जनता को सूचित किया जाता है कि प्रार्थी एक व दो ने इस न्यायालय में विवाह पंजीकरण करवाने हेतु आवेदन किया है। अतः इस इशतहार द्वारा आम जनता व (विजय कुमार सुपुत्र श्री ज्ञान चन्द व मीना कुमारी पुत्री श्री करण बहादुर) के माता-पिता को इस विवाह के पंजीकरण बारे एतराज हो तो दिनांक 01-04-2020 या इससे पूर्व प्रातः 10.00 बजे तक इस न्यायालय में आपत्ति दर्ज करवा सकते हैं। इस तिथि के बाद कोई उजर स्वीकार नहीं किया जावेगा।

आज दिनांक 27-01-2020 को मेरे हस्ताक्षर एवं मोहर अदालत द्वारा जारी किया गया।

मोहर।

हस्ताक्षरित /—
विवाह पंजीकरण अधिकारी,
बड़सर, उप-मण्डल बड़सर, जिला हमीरपुर, हि0 प्र0।

ब अदालत विवाह पंजीकरण अधिकारी, बड़सर, उप-मण्डल बड़सर, जिला हमीरपुर, हि0 प्र0

1. Ms. Reeta Devi age 31 years d/o Sh. Surjeet Singh, r/o Village Gujrera (Barsar), P.O. Barsar, Tehsil Barsar, District Hamirpur (H.P.).

2. Sh. Ram Lal age 33 years s/o Sh. Nikka Ram, r/o Village Bharoli Khurd, P.O. Bharoli Kalan, Tehsil Jhandutta, District Bilaspur (H.P.). प्रार्थी।

बनाम

आम जनता

प्रतिवादी।

आम जनता को सूचित किया जाता है कि प्रार्थी एक व दो ने इस न्यायालय में विवाह पंजीकरण करवाने हेतु आवेदन किया है। अतः इस इशतहार द्वारा आम जनता व (रीता देवी पुत्री श्री सुरजीत सिंह व राम लाल सुपुत्र श्री निक्का राम) के माता-पिता को इस विवाह के पंजीकरण बारे एतराज हो तो दिनांक 27-02-2020 या इससे पूर्व प्रातः 10.00 बजे तक इस न्यायालय में आपत्ति दर्ज करवा सकते हैं। इस तिथि के बाद कोई उजर स्वीकार नहीं किया जावेगा।

आज दिनांक 27-01-2020 को मेरे हस्ताक्षर एवं मोहर अदालत द्वारा जारी किया गया।

मोहर।

हस्ताक्षरित /—
विवाह पंजीकरण अधिकारी,
बड़सर, उप-मण्डल बड़सर, जिला हमीरपुर, हि0 प्र0।

**In the Court of Shilpi Beakta, H.A.S., Marriage Officer-cum-Sub Divisional Magistrate,
Sujaanpur, Distt. Hamirpur (H. P.)**

1. Pardeep Kumar aged 31 years s/o Sh. Bakshi Ram, r/o Village Thana Dhar, P.O. Jandru, Tehsil Sujaanpur, District Hamirpur (H.P.).

2. Sanju aged 25 years d/o Shri Jang Bahadar Sahia, r/o 2608 A, Sector 27-C, Chandigarh-160019. Applicants.

Versus

General Public

Application for the registration of marriage under section 16 of Special Marriage Act, 1954 (Central Act) as amended by Marriage Laws (Amendment Act 01, 49 of 2001).

Pardeep Kumar aged 31 years s/o Sh. Bakshi Ram, r/o Village Thana Dhar, P.O. Jandru, Tehsil Sujaanpur, District Hamirpur (H.P.) and Sanju aged 25 years d/o Shri Jang Bahadar Sahia, r/o 2608 A, Sector 27-C, Chandigarh-160019 have filed an application alongwith affidavits/declaration in this court under section 16 of Special Marriage Act, 1954 (Central Act) as amended by the Marriage Laws (Amendment Act 01, 49 of 2001) that they have solemnized their marriage ceremony on 16-01-2020 at Murli Manohar Mandir Sujaanpur Tihra, Tehsil Sujaanpur, District Hamirpur, as per Hindu Rites and Customs and they are living together as husband and wife since then. Hence their marriage may be registered under Special Marriage Act, 1954.

Therefore, the general public is hereby informed through this notice that any person who has any objection regarding this marriage can file the objection personally or in writing before this court on or before 25-02-2020. After that no objections will be entertained and marriage will be registered accordingly.

Issued today on 21-01-2020 under my hand and seal of the court.

Seal.

SHILPI BEAKTA, H.A.S.,
Marriage Officer-cum-Sub Divisional Magistrate,
Sujaanpur, Distt. Hamirpur (H.P.).

ब अदालत कार्यकारी दण्डाधिकारी (ना० तह०), हरोली, जिला ऊना (हि० प्र०)

तरसेम लाल पुत्र रतन चन्द

बनाम

आम जनता

आवेदन-पत्र अधीन धारा 13(3) बाबत करने रजिस्ट्रेशन शादी/जन्म/मृत्यु अधीन रजिस्ट्रेशन अधिनियम, 1969.

तरसेम लाल पुत्र रतन चन्द जाति बाहती, वासी बटखुर्द, तहसील हरोली, जिला ऊना (हि0प्र0) ने इस न्यायालय में निवेदन किया है कि उनकी बेटी रीतिका का जन्म दिनांक 06-06-2009 को गांव बटखुर्द, तहसील हरोली, जिला ऊना (हि0प्र0) में हुआ है। लेकिन उनका जन्म ग्राम पंचायत अभिलेख में दर्ज न है और जन्म तिथि रजिस्ट्रेशन अधिनियम, 1969 के तहत सम्बन्धित अभिलेख में दर्ज करने बारे प्रार्थना-पत्र प्रस्तुत किया है।

अतः सर्वसाधारण को इस इशतहार मुशत्री मुनादी के माध्यम से सूचित किया जाता है कि यदि इस बारे किसी व्यक्ति को कोई उजर/एतराज हो तो वह दिनांक 20-02-2020 को प्रातः 10.00 बजे अधोहस्ताक्षरी के न्यायालय में उपस्थित होकर पेश कर सकता है। यदि उपरोक्त वर्णित तिथि को किसी भी व्यक्ति का कोई उजर/एतराज इस न्यायालय में प्राप्त नहीं होता है तो इस न्यायालय द्वारा यह मान लिया जाएगा कि किसी को इस सम्बन्ध में कोई आपत्ति न है और जन्म तिथि सम्बन्धित रिकार्ड में दर्ज करने बारे नियमानुसार आगामी कार्यवाही अमल में लाई जाकर आदेश पारित कर दिया जाएगा।

आज दिनांक 20-01-2020 को मेरे हस्ताक्षर एवं कार्यालय मोहर से जारी हुआ।

मोहर।

हस्ताक्षरित/—
कार्यकारी दण्डाधिकारी (ना0 तह0),
हरोली, जिला ऊना (हि0प्र0)।

ब अदालत तहसीलदार एवं सहायक समाहर्ता, प्रथम वर्ग ऊना, जिला ऊना, हि0 प्र0

कमलदेव पुत्र करतारा

बनाम

आम जनता

इशतहार मुशत्री मुनादी जेर धारा 23 हि0 प्र0 भू-राजस्व अधिनियम, 1954

दरखास्त बमुराद दुरुस्ती नाम राजस्व रिकार्ड महाल अरनियाला, तहसील व जिला ऊना (हि0प्र0) जमाबन्दी साल 2015-2016 में जाति लौहार व गोत्र जंजूहे की बजाये जाति तरखान व गोत्र गदीर दर्ज करने बारे।

बजरिया जमादार तहसील कार्यालय ऊना

उपरोक्त मुकद्दमा उनवानबाला में प्रार्थी कमलदेव पुत्र करतारा, जाति तरखान गोत्र गदीर, वासी अप्पर अरनियाला, तहसील व जिला ऊना (हि0प्र0) ने प्रार्थना-पत्र प्रस्तुत करके निवेदन किया है कि महाल अरनियाला, तहसील व जिला ऊना (हि0प्र0) में उसकी जाति तरखान गोत्र गदीर की बजाये जाति लौहार व गोत्र जंजूहे गलत चला आ रहा है जबकि उसकी सही जाति तरखान व गोत्र गदीर है। इस बारे शजरा नस्फ व हल्फिया ब्यान प्रस्तुत किया है।

अतः सर्वसाधारण को इस इशतहार द्वारा सूचित किया जाता है कि उक्त जाति की दुरुस्ती बारे अगर किसी व्यक्ति को कोई उजर हो तो वह मुकद्दमा की पैरवी हेतु असालतन या वकालतन इस न्यायालय में दिनांक 03-03-2020 को प्रातः 10.00 बजे हाजिर आये, न आने की सूरत में उनके खिलाफ एकतरफा कार्यवाही अमल में लाई जाकर नियमानुसार मुकद्दमा का निपटारा कर दिया जायेगा।

आज दिनांक 28-01-2020 को मेरे हस्ताक्षर व मोहर न्यायालय से जारी हुआ।

मोहर।

हस्ताक्षरित/—
तहसीलदार एवं सहायक समाहर्ता प्रथम वर्ग,
ऊना, जिला ऊना, हि0 प्र0।

ब अदालत तहसीलदार एवं सहायक समाहर्ता, प्रथम वर्ग ऊना, जिला ऊना, हि0 प्र0

ज्ञान चन्द पुत्र मलकियत चन्द

बनाम

आम जनता

इशतहार मुशत्री मुनादी जेर धारा 23 हि0 प्र0 भू-राजस्व अधिनियम, 1954

दरखास्त बमुराद दुरुस्ती नाम राजस्व रिकार्ड महाल अरनियाला, तहसील व जिला ऊना (हि0प्र0) में जाति लौहार व गोत्र जंजूहे की बजाये जाति तरखान व गोत्र वाड़े दर्ज करने बारे।

बजरिया जमादार तहसील कार्यालय ऊना।

उपरोक्त मुकद्दमा उनवान बाला में प्रार्थी ज्ञान चन्द पुत्र मलकियत चन्द, जाति तरखान गोत्र वाड़े, वासी नंगड़ा, तहसील व जिला ऊना (हि0प्र0) ने प्रार्थना-पत्र प्रस्तुत करके निवेदन किया है कि उसकी जाति व गोत्र महाल अरनियाला, तहसील व जिला ऊना (हि0प्र0) में जाति तरखान व गोत्र वाड़े की बजाये जाति लौहार व गोत्र जंजूहे गलत चला आ रहा है जबकि उसकी सही जाति तरखान व गोत्र वाड़े है। इस बारे शजरा नस्फ व हल्फिया ब्यान प्रस्तुत किया है।

अतः सर्वसाधारण को इस इशतहार द्वारा सूचित किया जाता है कि उक्त जाति की दुरुस्ती बारे अगर किसी व्यक्ति को कोई उजर हो तो वह मुकद्दमा की पैरवी हेतु असालतन या वकालतन इस न्यायालय में दिनांक 03-03-2020 को प्रातः 10.00 बजे हाजिर आये, न आने की सूरत में उनके खिलाफ एकतरफा कार्यवाही अमल में लाई जाकर नियमानुसार मुकद्दमा का निपटारा कर दिया जायेगा।

आज दिनांक 28-01-2020 को मेरे हस्ताक्षर व मोहर न्यायालय से जारी हुआ।

मोहर।

हस्ताक्षरित/—
तहसीलदार एवं सहायक समाहर्ता प्रथम वर्ग,
ऊना, जिला ऊना, हि0 प्र0।

**न्यायालय श्री विजय कुमार राय तहसीलदार एवं कार्यकारी दण्डाधिकारी, ऊना, जिला ऊना
(हि0 प्र0)**

दावा संख्या नं0...../Teh. Una/M. Reg./2020

गौरव गिल पुत्री श्री राज कुमार, वासी मुलेवाल ब्राहमणा, तहसील शाहकोट व जिला जालन्धर (पंजाब)
हाल निवासी पत्नी स्व0 श्री सुरम सिंह, वासी जलगां टब्बा, तहसील व जिला ऊना (हि0प्र0)।

बनाम

आम जनता

दावा अन्तर्गत धारा 8(4) विवाह पंजीकरण अधिनियम, 1996.

उपरोक्त मुकदमा उनवानबाला में गौरव गिल पुत्री श्री राज कुमार, वासी मुलेवाल ब्राहमणा, तहसील शाहकोट व जिला जालन्धर (पंजाब) हाल निवासी पत्नी स्व० श्री सुरम सिंह, वासी जलगां टब्बा, तहसील व जिला ऊना (हि० प्र०) ने इस न्यायालय में प्रार्थना-पत्र प्रस्तुत किया है कि उसका विवाह दिनांक 16-10-2018 को श्री सुरम सिंह पुत्र अवतार सिंह, वासी जलगां टब्बा, तहसील व जिला ऊना के साथ हुआ था, लेकिन अज्ञानता के कारण अपने विवाह का इन्द्राज स्थानीय रजिस्ट्रार, विवाह पंजीकरण, ग्राम पंचायत जलगां टब्बा, तहसील व जिला ऊना (हि० प्र०) में दर्ज न करवा सकी।

अतः इस सन्दर्भ में आम जनता को सूचित किया जाता है कि यदि उपरोक्त वर्णित प्रार्थिया के विवाह का इन्द्राज रजिस्ट्रार, स्थानीय पंजीकरण, ग्राम पंचायत जलगां टब्बा, तहसील व जिला ऊना (हि० प्र०) में दर्ज करवाने बारे किसी को कोई एतराज हो तो वह दिनांक 03-03-2020 को अथवा उससे पूर्व न्यायालय हजा में उपस्थित होकर प्रस्तुत कर सकता है अन्यथा उसके बाद उक्त वर्णित विवाह के पंजीकरण हेतु आगामी कार्यवाही अमल में लाई जायेगी। इसके बाद कोई भी एतराज काबिले समायत न होगा।

आज दिनांक 4-02-2020 को मेरे हस्ताक्षर व न्यायालय की मोहर द्वारा जारी हुआ।

मोहर।

विजय कुमार राय,
तहसीलदार एवं कार्यकारी दण्डाधिकारी,
ऊना, जिला ऊना (हि० प्र०)।

न्यायालय श्री विजय कुमार राय तहसीलदार एवं कार्यकारी दण्डाधिकारी, ऊना, जिला ऊना
(हि० प्र०)

दावा संख्या :/Teh. Una/B&D /2020

याद राम पुत्र श्री सदा नन्द, वासी वार्ड नं० 3, मोहल्ला गलुआ ऊना, तहसील व जिला ऊना (हि० प्र०)

बनाम

आम जनता

दरखास्त जेर धारा 13(3) जन्म एवं मृत्यु रजिस्ट्रीकरण अधिनियम, 1969.

उपरोक्त मुकदमा उनवानबाला में याद राम पुत्र श्री सदा नन्द, वासी वार्ड नं० 3, मोहल्ला गलुआ ऊना, तहसील व जिला ऊना (हि० प्र०) ने इस न्यायालय में प्रार्थना-पत्र प्रस्तुत किया है कि उसकी पुत्री सुमन शर्मा का जन्म वार्ड नं० 3, मोहल्ला गलुआ ऊना, तहसील व जिला ऊना में दिनांक 30-11-1995 को हुआ था, लेकिन अज्ञानता के कारण जन्म का इन्द्राज स्थानीय रजिस्ट्रार, जन्म व मृत्यु पंजीकरण नगरपालिका ऊना, तहसील व जिला ऊना (हि० प्र०) में दर्ज न करवा सका है।

अतः इस सन्दर्भ में आम जनता को सूचित किया जाता है कि यदि उपरोक्त वर्णित जन्म का इन्द्राज स्थानीय रजिस्ट्रार, जन्म व मृत्यु पंजीकरण नगरपालिका ऊना, तहसील व जिला ऊना (हि० प्र०) में दर्ज करवाने बारे किसी को कोई उजर या एतराज हो तो वह दिनांक 03-03-2020 को अथवा उससे पूर्व न्यायालय हजा में उपस्थित होकर प्रस्तुत कर सकता है अन्यथा उसके बाद उक्त वर्णित मृत्यु के पंजीकरण हेतु आगामी कार्यवाही अमल में लाई जायेगी। इसके बाद कोई भी एतराज काबिले समायत न होगा।

आज दिनांक 04-02-2020 को मेरे हस्ताक्षर व न्यायालय की मोहर द्वारा जारी हुआ।

मोहर।

विजय कुमार राय,
तहसीलदार एवं कार्यकारी दण्डाधिकारी,
ऊना, जिला ऊना (हि० प्र०)।

CORRECTION OF NAME

I, Kanta Devi d/o Shri Amrit Lal Sharma at present w/o Sh. Ashwani Kumar, r/o Set No. 38, Block-F, Type-II, Nabha House, Shimla-4 have changed my name from Kanta Devi to Kanta Sharma after marriage. All concerned please note for future.

Sd/-
(KANTA SHARMA)
d/o Shri Amrit Lal Sharma
at present w/o Sh. Ashwani Kumar,
r/o Set No. 38, Block-F, Type-II,
Nabha House, Shimla-4.